

The Public Agenda Session of the Board of Public Works was convened at 10:30 a.m. on Thursday, September 21, 2006, by Board President, Gary A. Gilot, with Mr. Carl P. Littrell present. Board Member Donald E. Inks was not present. Also present was Board Attorney Thomas Bodnar. Board of Public Works Clerk Angela Jacob presented the Board with a proposed agenda of items presented by the public and by City Staff.

Board members discussed the following item(s) from that list.

- Award Quotation – Fence Repair – Olive Street Water Works  
Mr. John Wilttrout, Water Works, stated he received three (3) quotations, one of which did not match the gauge size of the existing fence and was the low bidder. Mr. Gilot deemed this bidder non-responsive, as a matched gauge size to repair the fence is imperative.
- Term Sheet for Agreement – Sewer Easement Modification/Construction Access  
Ms. Jennifer Laurent, Community and Economic Development and Mr. Shawn Peterson, Legal Department, stated the term sheet for development of an Agreement would allow temporary occupancy permits on DeRue Court, Jefferson and St. Joseph Street, with approval from the Indiana Department of Transportation for St. Joseph Street. In addition, parallel parking would be instituted on Jefferson and St. Joseph Street.
- Resolutions 52-2006, 53-2006, 54-2006 and 55-2006 – Fiscal Plans  
Mr. Marco Mariani, Community and Economic Development, stated the fiscal plans are for the areas of Brick Road, Eddy Street/Edison Road, Olive Road and Southfield Lake.
- Safety Report/Performance Report – Central Services  
John Machowiak, Central Services, presented the Safety Report and Performance Report for Central Services for August 2006.

APPROVAL OF STREET CLOSURES/REQUEST

The following request and street closures were presented to the Board for approval. It was note favorable recommendations from the appropriate departments were submitted.

SPONSOR/ NAME	TYPE	LOCATION	DATE/TIME	MOTION/ SECOND
People of Praise Youth Group	Use of City Property	Retention Basin at York/Jackson	September 23, 2006	Littrell/Gilot
Christian Fellowship Assembly	Blues Concert	Leer from Dayton to Dubail	September 24, 2006 – 3:00 p.m. to 7:00 p.m.	Gilot/Littrell
St. Joseph County Right to Life	Right to Life Chain Procession	East/West Side of Ironwood Drive Between Edison Road and State Road 23	October 1, 2006 – 2:30 p.m. to 3:45 p.m.	Littrell/Gilot
Miami Village Neighborhood Association	Miami Village Fall Festival	Miami from Calvert to Ewing	October 1, 2006 – 7:00 a.m. to 7:00 p.m.	Littrell/Gilot

The Clerk was instructed to post the agenda and notify the media and other Persons who have requested notice of the meeting agenda. No other business came before the Board. The meeting adjourned at 11:23 a.m.

PUBLIC AGENDA SESSION

SEPTEMBER 21, 2006

BOARD OF PUBLIC WORKS

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Gary A. Gilot, President

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Carl P. Littrell, Member

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Donald E. Inks, Member

ATTEST:

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Angela K. Jacob, Clerk

REGULAR MEETING

SEPTEMBER 25, 2006

The regular meeting of the Board of Public Works was convened at 9:35 a.m. on Monday, September 25, 2006, by Board President Gary A. Gilot, with Carl P. Littrell and Donald E. Inks present. Also present was Board Attorney Thomas Bodnar.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the minutes of the public agenda session and regular meeting of the Board held on September 7 and September 11, 2006, were approved.

PUBLIC HEARING – LICENSE APPLICATION – TRANSIENT MERCHANT – MIAMI VILLAGE FALL FESTIVAL

Mr. Gilot advised that this was the date set for the Board's Public Hearing concerning a License Application for a Transient Merchant, as submitted by Mr. Rob Hochschild, 2122 Miami Street, South Bend, Indiana, to conduct the Miami Village Association Fall Festival on October 1, 2006, from 12:00 p.m. to 5:00 p.m. on Miami Street from Calvert to Ewing Streets.

Mr. Mike Divita, Community and Economic Development, gave a favorable recommendation. There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed. Therefore, upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the License Application was approved.

BID OPENING/AWARD BID – KELLER PARK – SHERMAN AVENUE FROM BEALE STREET TO RIVERSIDE DRIVE – CURB, SIDEWALK AND APPROACHES – PROJECT NO 106-049 (GENERAL FUND)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**L.L. GEANS CONSTRUCTION COMPANY**

1923 North Home Street  
Mishawaka, Indiana 46545

Bid was signed by: Mr. Mike Glynn  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: Base Bid: \$ 76,423.75  
Alternate A \$ 14,588.25  
Alternate B \$ 25,207.50

TOTAL BID: \$116,219.50

**RIETH-RILEY CONSTRUCTION COMPANY, INC.**

25200 State Road 23  
Post Office Box 1775  
South Bend, IN 46634

Bid was signed by: Mr. Todd Kulczar  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: Base Bid: \$ 84,320.75  
Alternate A \$ 16,335.00  
Alternate B \$ 28,963.75

TOTAL BID: \$129,619.50

**SELGE CONSTRUCTION COMPANY, INC.**

2833 South 11<sup>th</sup> Street  
Niles, Michigan 49120

Bid was signed by: Mr. John M. Szuba  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: Base Bid: \$ 87,302.50  
Alternate A \$ 16,551.50  
Alternate B \$ 30,685.00

TOTAL BID: \$134,539.00

**WALSH & KELLY, INC.**

24358 State Road 23  
South Bend, IN 46614

Bid was signed by: Mr. Kevin J. Kelly  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: Base Bid: \$ 94,520.00  
Alternate A \$ 18,700.00  
Alternate B \$ 38,517.50

TOTAL BID: \$151,737.50

**NORTHERN CONSTRUCTION SERVICES, CORP.**

Post Office Box 1299  
Niles, Michigan 49120

Bid was signed by: Mr. Daniel L. Kulwicki

Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   Base Bid:       \$119,950.00  
          Alternate A   \$ 26,730.00  
          Alternate B   \$ 37,625.00

TOTAL BID: \$184,305.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, and carried, the above bids were referred to the Division of Engineering and Community and Economic Development for review and recommendation. After reviewing those bids, Mr. Jason Durr, Engineering, recommends that the Board award the project to the lowest responsive and responsible bidder, L.L. Geans, 1923 North Home Street, Mishawaka, Indiana, in the amount of \$91,012.00, which is the base bid of \$76,423.75 and Alternate A in the amount of \$14,588.25.

Therefore, Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

BID OPENING/AWARD BID – KENMORE STREET FROM FORD TO SAMPLE STREET – CURB, SIDEWALK AND APPROACHES – PROJECT NO. 106-038 (CDBG)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**L.L. GEANS CONSTRUCTION COMPANY**

1923 North Home Street  
Mishawaka, Indiana 46545

Bid was signed by: Mr. Mike Glynn  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   \$174,820.00

**RIETH-RILEY CONSTRUCTION COMPANY, INC.**

25200 State Road 23  
Post Office Box 1775  
South Bend, IN 46634

Bid was signed by: Mr. Todd Kulczar  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   \$189,527.00

**WALSH & KELLY, INC.**

24358 State Road 23  
South Bend, Indiana 46614

Bid was signed by: Mr. Kevin J. Kelly  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   \$192,001.25

**SELGE CONSTRUCTION COMPANY, INC.**

2833 South 11<sup>th</sup> Street  
Niles, Michigan 49120

Bid was signed by: Mr. John M. Szuba  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$196,316.00

**NORTHERN CONSTRUCTION SERVICES, CORP.**

Post Office Box 1299  
Niles, Michigan 49120

Bid was signed by: Mr. Daniel L. Kulwicki  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$267,389.50

The Bid of Ortiz Concrete did not contain Bid Security, therefore, was not read.

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to the Division of Engineering and Community and Economic Development for review and recommendation. After reviewing those bids, Mr. Jason Durr, Engineering, recommends that the Board award the project to the lowest responsive and responsible bidder, L.L. Geans, 1923 North Home Street, Mishawaka, Indiana in the amount of \$174,820.00. Therefore, Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

**BID OPENING/AWARD BID – MIAMI STREETSCAPES – MIAMI STREET FROM INDIANA AVENUE TO BROADWAY STREET – CURB, SIDEWALKS, APPROACHES AND LIGHTING – PROJECT NO. 106-045**

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**SELGE CONSTRUCTION COMPANY, INC.**

2833 South 11<sup>th</sup> Street  
Niles, Michigan 49120

Bid was signed by: Mr. John M. Szuba  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: Base Bid: \$132,117.00  
Alternate A \$ 34,950.00

TOTAL BID: \$167,067.00

**RIETH-RILEY CONSTRUCTION COMPANY, INC.**

25200 State Road 23  
Post Office Box 1775  
South Bend, Indiana 46634

Bid was signed by: Mr. Todd J. Kulczar

Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:	Base Bid:	\$140,835.00
	Alternate A	<u>\$ 35,850.00</u>

TOTAL BID: \$176,685.00

**NORTHERN CONSTRUCTION SERVICES, CORP.**

Post Office Box 1299  
Niles, Michigan 49120

Bid was signed by: Mr. Daniel L. Kulwicki, Jr.  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:	Base Bid:	\$178,267.50
	Alternate A	<u>\$ 61,282.00</u>

TOTAL BID: \$239,549.50

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to the Division of Engineering and Community and Economic Development for review and recommendation. After reviewing those bids, Mr. Jason Durr, Engineering, recommends that the Board award the project to the lowest responsive and responsible bidder, Selge Construction Company, Inc., 2833 South 11<sup>th</sup> Street, Niles, Michigan, in the total amount of \$167,067.00 which is the base bid of \$132,117.00 and Alternate A in the amount of \$34,950.00,. Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

OPENING OF BIDS – THREE (3) MORE OR LESS, 2006 OR NEWER VACUUM  
AIR STREET SWEEPERS (2006 VEHICLE CAPITAL BUDGET)

This was the date set for receiving and opening of sealed bids for the above referred to equipment. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**JACK DOHENY SUPPLIES, INC.**

7720 Records Street  
Lawrence, Indiana 46226

Bid was signed by: Mr. Mike Renner  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Ten percent (10%) Bid Bond was submitted

BID: 2007 Elgin Whirlwind  
Unit Price: \$159,500.00

Trade-Ins:	2271	\$20,000.00
	2274	\$20,000.00
	2276	\$20,000.00
	2277	\$20,000.00
	2279	\$20,000.00
	2280	\$ 2,100.00

Total Cost Less Trade	\$376,400.00
If 3 Sweepers Purchased	

Options	Cost	Total
#1	\$ 1,370.00	\$ 1,370.00
#2	included in bid	\$ 0.00
#3	\$ 3,264.00	\$ 3,264.00
#4	\$ 2,500.00	\$ 2,500.00
#5	\$ 580.00	\$ 580.00
#6	\$11,000.00	\$11,000.00
#7	\$ 2,100.00	\$ 2,100.00
#8	\$ 1,648.00	\$ 1,648.00
#9	\$ 5,800.00	\$ 5,800.00

**BROWN EQUIPMENT COMPANY, INC.**

10603 Majic port Lane  
Post Office Box 9799  
Fort Wayne, Indiana 46899

Bid was signed by: Mr. Douglas W. Brown  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Ten percent (10%) Bid Bond was submitted

BID: 2007 Sweeper Allianz/Johnston VT650  
Unit Price: \$159,000.00

Trade-Ins:	2271	\$19,000.00
	2274	\$19,000.00
	2276	\$19,000.00
	2277	\$19,000.00
	2279	\$19,000.00
	2280	\$ 3,000.00

Total Cost Less Trade If 3 Sweepers Purchased \$379,000.00

Options	Cost (each)	Total (3)
#1	\$ 775.00	\$ 1,550.00
#2		\$ N/C
#3	\$ 900.00 \$ 2,800.00	\$ 2,700.00 w/o hydraulics \$ 8,400.00 w/hydraulic boom
#4	\$ 900.00	\$ 2,700.00
#5		\$ N/C
#6	\$ 6,000.00	\$18,000.00 DWG
#7	2006 Int 4300 +\$1,178.86 2007 Int 4300 +\$5,405.62	See information attached to bid
#8	\$ 1,300.00	\$ 3,900.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to Central Services for review and recommendation.

**OPENING OF BIDS – SALE OF ABANDONED VEHICLES**

This was the date set for receiving and opening of sealed bids for abandoned vehicles. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**HALTON L. WEST**

225 Donald Street  
South Bend, Indiana 46614

No.	Make of Vehicle	Year	Bid
1	Blue Dodge Dakota	1992	\$500.00
7	White Pontiac Sunfire	1995	\$200.00
8	White Lincoln Town Car	1992	\$200.00
11	Gray Pontiac 6000	1988	\$300.00

**TERRY’S AUTO SALVAGE**  
1926 Tamarack Road  
Walkerton, Indiana 46574

No.	Make of Vehicle	Year	Bid
1	Blue Dodge Dakota	1992	\$351.00
2	Tan Honda Accord	1991	\$232.00
3	Green Oldsmobile Bravada	1993	\$225.00
4	Red Mitsubishi Eclipse	1994	\$202.00
5	Gray Ford Econoline	1991	\$202.00
6	Silver Buick Regal	1988	\$150.00
7	White Pontiac Sunfire	1995	\$201.00
8	White Lincoln Town Car	1992	\$231.00
9	Brown Chevrolet Astro	1988	\$200.00
10	Beige Cadillac STS	1995	\$301.00
11	Gray Pontiac 6000	1988	\$150.00

**I.A.P.**  
3300 South Main  
South Bend, Indiana 46614

No.	Make of Vehicle	Year	Bid
1	Blue Dodge Dakota	1992	\$210.60
2	Tan Honda Accord	1991	\$210.60
3	Green Oldsmobile Bravada	1993	\$210.50
4	Red Mitsubishi Eclipse	1994	\$210.50
5	Gray Ford Econoline	1991	\$210.60
6	Silver Buick Regal	1988	\$210.60
7	White Pontiac Sunfire	1995	\$210.60
8	White Lincoln Town Car	1992	\$210.50
9	Brown Chevrolet Astro	1988	\$210.60
10	Beige Cadillac STS	1995	\$310.60
11	Gray Pontiac 6000	1988	\$210.60



**HAROLD PEACOCK**

713 Carlisle  
South Bend, Indiana 46619

No.	Make of Vehicle	Year	Bid
2	Tan Honda Accord	1991	\$190.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to Code Enforcement for review and recommendation.

**OPENING OF BIDS – CENTURY CENTER CONVENTION HALL CARPET REPLACEMENT – PROJECT NO. 106-070 (HOTEL/MOTEL TAX)**

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**CARPET SERVICE OUTLET INC.**

1514 Mishawaka Avenue  
South Bend, Indiana 46615

Bid was signed by: Ms. Vicki Shepard  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted (Bid Bond was not an original)

BID: \$144,254.80

**ZIOLKOWSKI CONSTRUCTION INC.**

1005 South Lafayette Boulevard  
South Bend, Indiana 46601

Bid was signed by: Mr. Bill Favors  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$188,558.00

**MIDWEST TILE & INTERIORS INC.**

1805 North Cedar Street  
Mishawaka, Indiana 46545

Bid was signed by: Mr. Gregory J. Gluchowski  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$161,398.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to Century Center for review and recommendation.

**OPENING OF QUOTATIONS/AWARD QUOTATION – ENGMAN NATATORIUM – RECONSTRUCTION, ADDITIONS AND IMPROVEMENTS – PROJECT NO. 106-067A**

This was the date set for receiving and opening of sealed quotations for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**ATLAS BUILDING SERVICES, INC.**

Post Office Box 628  
1723 South Wabash Street  
Wabash, Indiana 46992

Bid was Signed By: Ms. Lynann Harmon

QUOTATION:	Base Bid:	\$38,738.00
	Base Bid Plus Alternate:	\$39,918.00

**ZIOLKOWSKI CONSTRUCTION INC.**

1005 South Lafayette Boulevard  
South Bend, Indiana 46601

Bid was Signed By: Mr. Bill Favors

QUOTATION:	Base Bid:	\$56,807.00
	Base Bid Plus Alternate:	\$58,137.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, and carried, the above quotations were referred to the South Bend Heritage Foundation for review and recommendation.

After reviewing those bids, Ms. Charlotte Sobel, South Bend Heritage Foundation, recommends that the Board award the quotation to the lowest responsive and responsible bidder, Atlas Building Services, Inc., 1723 South Wabash Street, Wabash, Indiana, in the amount of \$39,918.00, which is the Base Bid and Alternate. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the quotation be awarded as outlined above. Mr. Inks seconded the motion, which carried.

**OPENING OF QUOTATIONS – LIGHTING – WATER WORKS NORTH STATION – PROJECT NO. 106-077 (BOND)**

This was the date set for receiving and opening of sealed quotations for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**HERRMAN & GOETZ, INC.**

225 South Lafayette Boulevard  
South Bend, Indiana 46601

Quotation was Signed By: Mr. Randy Ciesiolka

QUOTATION:	\$20,720.00
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**TRANS TECH ELECTRIC, L.P.**

4601 Cleveland Road  
Post Office Box 3915  
South Bend, Indiana 46619

Quotation was Signed By: Mr. Jim Snyder

QUOTATION:

Site No. 1 Total Electric:	\$3,681.00
Site No. 2 Total Electric:	\$7,738.00
Site No. 3 Total Electric:	\$2,560.00

**BENDER ELECTRIC**

Post Office Box 143  
Cassopolis, Michigan 49031

Quotation was Signed By: Mr. M. Bender

QUOTATION:

North Pumping Station Fixture #1	Materials	\$460.00
	Labor	\$270.00
North Pumping Station Fixture #2	Materials	\$460.00
	Labor	\$270.00
North Station South Fixture	Materials	\$400.00
	Labor	\$300.00
North Station North Fixture #1	Materials	\$240.00
	Labor	\$240.00
North Station Fixture #2	Materials	\$438.00
	Labor	\$360.00
North Station Light Removal		\$ 60.00
Cleveland Road East Fixture	Materials	\$325.00
	Labor	\$180.00
Cleveland Road South Fixture	Materials	\$325.00
	Labor	\$180.00
Cleveland Road West Fixture	Materials	\$325.00
	Labor	\$180.00
Entrance Pole Light	Materials	\$135.00
	Labor	\$ 80.00
Well #1 Pole Light	Materials	\$135.00
	Labor	\$ 80.00
Well #2 Pole Light	Materials	\$135.00
	Labor	\$ 80.00
Well #3 Pole Light	Materials	\$135.00
	Labor	\$ 80.00
Ireland Road	Materials	\$120.00
	Labor	\$ 80.00
Ireland Road Bury Wire	Materials	\$400.00
	Labor	\$960.00
	TOTAL	\$1,500.00
Three (3) Poles Set @\$120/Pole		\$360.00
Three (3) Ballast/Bulb/Photocell		\$135.00/Set
	Labor	\$ 80.00/Set
	Materials Total	\$395.00
	Labor Total	\$240.00
In addition to replace shoe box fixtures		\$300.00/Unit

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above quotations were referred to Water Works for review and recommendation.

AWARD BID – SALE OF CITY-OWNED PROPERTY – VACANT LOT NEXT TO 225 DONALD

Mr. Gary Gilot advised the Board that on August 14, 2006, one (1) bid was received and opened for the above referred to property. After reviewing the bid, Mr. Thomas Bodnar and Mr. George Adler, Community and Economic Development, recommend that the Board award the bid to Mr. Halton West, 224 Donald Street, South Bend, Indiana, in the amount of \$500.00. Therefore, Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD QUOTATION – FENCE REPAIR – OLIVE WELL FIELD – 915 SOUTH OLIVE – PROJECT NO. 106-074 (BOND)

Mr. John Wilttrout, Water Works, advised the Board that quotations were received and opened for the above referred to project. After reviewing those quotations, Mr. Wilttrout recommends that the Board award the contract to Schuell Fence, 22377 Adams Road, South Bend, Indiana, in the amount of \$2,490.00. The intent of the replacement fix was to stay consistent with the existing material which disqualifies Mike's Fencing quotation as non-responsive. Although Shuell's is higher than the lowest bidder, they have

maintained an industrial size and wall thickness for both the top rail and line posts, therefore, were non-responsive. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD QUOTATION – “CITY PLAN” PRINTING – PROJECT NO. 106-075 (GENERAL FUND)

Mr. Jitin Kain, Community and Economic Development, advised the Board that quotations were received and opened for the above referred to service. After reviewing those quotations, Mr. Kain recommends that the Board award the contract to the lowest responsive and responsible bidder, Rink Printing, 814 South Main Street, South Bend, Indiana, in the amount of \$21,332.00. It was noted the quotation of Apollo Printing was received after the submittal deadline. Therefore, Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD QUOTATION – DEMOLITION OF 722-726 SOUTH MICHIGAN STREET – FORMER GLOWORM AND QUARTERBACK NIGHTCLUBS – PROJECT NO. 106-053 (SBCDA TIF)

Mr. Rob Nichols, Engineering, advised the Board that quotations were received and opened for the above referred to project. After reviewing those quotations, Mr. Nichols recommends that the Board award the contract to the lowest responsive and responsible bidder, Ritschard Brothers, 1204 West Sample, South Bend, Indiana, in the amount of \$47,224.00. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD PROPOSAL – DEBT COLLECTION FOR YEAR 2006 – PAST DUE AMBULANCE ACCOUNTS – FIRE DEPARTMENT (EMSCIF FUND 288)

Assistant Fire Chief Rick Switalski advised the Board that on August 28, 2006, proposals were received and opened for the above referred to service. After reviewing those proposals, Chief Switalski recommends that the Board award the proposal to C.B.M. Accounts Service, Inc., 1320 Mishawaka Avenue, South Bend, Indiana, as follows:

*Past due accounts placed manually for collection will be subject to a 25% contingency fee of amounts collected. This fee includes costs associated with skip tracing and location efforts.*

*Accounts forwarded to an accredited agency in the debtor's local area due to state law requirements or necessity for effectiveness will be subject to a contingency fee of 40% of amounts collected. (This represents an extremely small percentage of accounts handled.)*

*Accounts referred for legal action will be subject to a contingency fee of 35% of amounts collected. CBM will assume the responsibility for payment of all court filing fees.*

*Accounts placed aged greater than 90 days will be credit reported to Trans Union, Equifax and Experian. Once reported, balances will be updated monthly for payments, bankruptcies and disputed as required under the Fair Credit Reporting Act. Credit reporting services are provided at no additional cost.*

*Will bill commercial insurance companies on behalf of the South Bend Fire Department at no additional charge.*

Therefore, Mr. Inks made a motion that the recommendation be accepted and the proposal be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

APPROVE REQUEST TO ADVERTISE FOR RECEIPT OF BIDS – SALE OF ABANDONED VEHICLES

Ms. Kathy Eli, Department of Code Enforcement, requested permission to advertise for the sale of approximately seventeen (17) abandoned vehicles, which are being stored at Super Auto Salvage Corporation, 3300 South Main Street, South Bend, Indiana. It was noted that all vehicles have been stored more than seventeen (17) days, identification checks had been run for auto theft and the owners and lienholders notified. Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – BRIDGE BEAUTIFICATION PROJECT – PHASE II/TITLE SHEET – PROJECT NO. 106-033B (TRANSP0)

In a memorandum to the Board, Mr. Carl Littrell, Engineering, requested permission to advertise for the receipt of bids for the above referred to project. In addition, the Title Sheet for this project was submitted for approval. Therefore, upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the Request to Advertise and the Title Sheet were approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – 2006 CONCRETE PAVEMENT REPAIRS – WALSH & KELLY, INC. – PROJECT NO. 106-015 (LRSA)

Mr. Gilot advised that Ms. Thia Vawter, Engineering, has submitted Change Order No. 1 (Final) on behalf of Walsh & Kelly, Inc., 24358 State Road 23, South Bend, Indiana, indicating that the contract amount be increased by \$12,480.77 for a new contract sum including this Change Order in the amount of \$187,190.77. Additionally submitted was the Project Completion Affidavit indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order No. 1 (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVAL OF CONTRACTS/AGREEMENTS/PROPOSALS/ADDENDA

The following Contracts/Agreements/Proposals/Addenda were presented to the Board for approval:

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECOND
Construction Contract	Roof Replacement – Fire Station No. 7	KRC Roofing and Sheet Metal, Inc.	\$39,950.00	Littrell/Inks RATIFIED Approved September 11, 2006, Pursuant to Resolution No. 100-2000
Construction Contract	Sodium Chloride (Rock Salt)	Indian Trucking Company	\$44.80/Ton Delivered	Inks/Littrell
Construction Contract	South Michigan Street Improvements – Sample Street to Bronson Street	Rieth Riley Construction	\$139,580.00	Inks/Littrell
Construction Contract	South Bend Clay Sanitary Trunk Sewer – Division “A” – River Crossing	C&E Excavating, Inc.	\$449,129.00	Littrell/Inks
Construction Contract	Harter Heights Storm Sewer Project	HRP Construction	\$1,566,074.40	Littrell/Inks
Construction Contract	River Park NPC Public Works – Service Area 7 – Curb Ramps	McIntyre Jones Inc.	\$7,961.40	Littrell/Inks
Grant Agreement	Near West Side Residential Enhancement	125 Carlisle Street	\$4,999.50	Gilot/Littrell

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECOND
	Grant Program			
Grant Agreement	Rum Village Residential Enhancement Matching Grant Program	2102 Prairie	\$1,150.00	Inks/Littrell
Grant Agreement	LaSalle Area Residential Enhancement Program	1350 North O'Brien	\$1,458.50	Inks/Littrell
Agreement	Providing Periodic E-Mails to Users; Providing Updates on "City Plan" Process	Jump Media	\$240.00	Inks/Littrell
Grant Agreement	Miami Street Commercial Corridor – Façade Improvement Matching Grant Program	1130 Lincolnway East	\$1,568.50	Inks/Littrell
Grant Agreement	West Side Residential Enhancement Matching Grant Program	2429 West Ford	\$1,350.00	Inks/Littrell
Grant Agreement	West Side Residential Enhancement Matching Grant Program	420 South Warren	Reduction of \$1,745.00 from Original Agreement of \$1,887.50	Inks/Littrell
Addendum No. 3	Additional Professional Services – In-Situ Chemical Oxidation – Former Allied Stamping Plant	Weaver Boos Consultants	\$49,830.00	Inks/Littrell
Grant Agreement	Lincolnway West Commercial Corridor – Façade Improvement Matching Grant Program	3014 Ardmore Trail	\$10,080.00	Inks/Littrell
Proposal	Design Services – Storm Sewer Extension – Huey and Adams Street	Bollinger, Lach & Associates, Inc.	\$26,960.00	Inks/Littrell
Term Sheet for Agreement Preparation	Sewer Easement Modification/Construction Access – College Football Hall of Fame	Gameday Centers LLC	N/A	Littrell/Gilot Original Document to be Executed Upon Arrival
Consulting Agreement	New Median Opening – Cleveland Road	Wightman Petrie	\$17,500.00	Inks/Littrell

**APPROVAL OF LICENSE APPLICATION**

The following license application was submitted to the Board for approval. It was noted the appropriate departments submitted favorable recommendations.

SPONSOR/ NAME	TYPE	LOCATION	DATE/TIME	MOTION/ SECOND
Fiddler's Hearth	Sidewalk Café	127 North Main	Through October 31, 2006	Inks/Littrell

**ADOPT RESOLUTION NO. 46-2006 – DISPOSAL OF OBSOLETE CITY-OWNED PROPERTY**

Upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works.

RESOLUTION NO. 46-2006  
A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS  
ON DISPOSAL OF UNFIT AND/OR OBSOLETE PROPERTY

WHEREAS, it has been determined by the Board of Public Works that the following property is unfit for the purpose for which it was intended and is no longer needed by the City of South Bend:

ONE (1) MICROSOFT KEYBOARD – SN71305-545-244106-10422  
ONE (1) TWO DRAWER SMALL CARD FILE  
ONE (1) MONITOR STAND  
ONE (1) QUIETWRITER 7 TYPEWRITER, SN 67895  
ONE (1) HP LASER JET 1100 PRINTER, SN 75815

WHEREAS, Indiana Code 5-22-22 permits and establishes procedure for disposal of personal property which is unfit for the purpose for which it was intended and which is no longer needed by the City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that the items listed above are no longer needed by the City; are unfit for the purpose for which they were intended and have an estimated value of less than one thousand dollars (\$1,000.00).

BE IT FURTHER RESOLVED, that said items may be transferred or sold at public auction or private sale, without advertising. However, if the property is deemed worthless, such may be demolished or junked.

ADOPTED this 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
CITY OF SOUTH BEND, INDIANA  
s/Gary A. Gilot, President  
s/Carl P. Littrell, Member  
s/Donald E. Inks, Member

ATTEST:  
s/Angela K. Jacob, Clerk

ADOPT RESOLUTION NO. 47-2006 – TRADE-IN OF CITY-OWNED PROPERTY  
ON PROPERTY OF SIMILAR NATURE

Upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 47-2006  
A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS  
APPROVING THE TRADE-IN OF CITY-OWNED PROPERTY  
ON PROPERTY OF SIMILAR NATURE

WHEREAS, it has been determined by the Board of Public Works of the City of South Bend that the following described property is unfit for the purpose for which it was intended and should be traded-in for property of a similar nature:

2271	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB12DH96150
2274	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB52DH96149
2276	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB12DH96146
2277	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB62DH96144
2279	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB82DH96145
2280	1992 Elgin Sweeper	Pelican	VIN#P8430

WHEREAS, it has been determined by the Board of Public Works of the City of South Bend that the following described property is of a similar nature to the above-described property and should be traded with the above-described property:

TO BE DETERMINED

WHEREAS, I.C. 36-1-11-9 authorizes the Board of Public Works to trade in or exchange City-owned property for partial or full reduction in the purchase price of property of similar nature.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, AS FOLLOWS:

1. The following described property shall be traded-in for the following described property of a similar nature:

2271	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB12DH96150
2274	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB52DH96149
2276	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB12DH96146
2277	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB62DH96144
2279	2002 Schwarze Sweeper	F063042SBS8000	VIN#1FVAADB82DH96145
2280	1992 Elgin Sweeper	Pelican	VIN#P8430

2. That the traded in or exchanged property, to wit:

TO BE DETERMINED

shall be removed from the inventory of the City of South Bend and will be duly recorded upon receipt of the new property. A subsequent Resolution of the new property will be recorded.

ADOPTED this 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
s/Gary. Gilot, President  
s/Carl P. Littrell, Member  
s/Donald E. Inks, Member

ATTEST:  
s/Angela K. Jacob, Clerk

ADOPT RESOLUTION NO. 52-2006 - A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (BRICK ROAD ANNEXATION AREA)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works, with changes in Section 3, Line 4 of the Resolution to read as "that public water and sewer network is available".

RESOLUTION NO. 52-2006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (BRICK ROAD ANNEXATION AREA)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Page 15 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately .37 acres of agricultural land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 63% contiguous, generally located along the north side of Brick Road near the intersection with Orange Road. It is anticipated that the annexation area will be developed for public right-of-way as part of a widening project for Brick Road.

The new road will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary



sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area; that street lighting, parking and will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. If possible, the site should include open space that could be linked in the future to other areas nearby as part of a larger multi-use path/open space network. It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality. It is required that the annexation area integrate harmoniously with the surrounding land uses.

Building plans and other information to satisfy these requirements must be finalized between the Developer and the City before the annexation is effective.

Adopted the 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
OF THE CITY OF SOUTH BEND, INDIANA

s/Gary Gilot, President  
s/Carl Littrell, Member  
s/Donald E. Inks, Member

ADOPT RESOLUTION NO. 53-2006 - A RESOLUTION OF THE BOARD OF  
PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A  
WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION  
OF SERVICES TO AN ANNEXATION AREA IN PORTAGE TOWNSHIP (EDDY  
STREET-EDISON ROAD ANNEXATION AREA)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works, with changes in Section 3, Line 4 of the Resolution to read as "that public water and sewer network is available".

RESOLUTION NO. 53-2006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF  
SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND  
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN  
ANNEXATION AREA IN PORTAGE TOWNSHIP  
(EDDY STREET-EDISON ROAD ANNEXATION AREA)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Portage Township, St. Joseph County, Indiana, which is more particularly described at Page 15 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 26.2 acres of vacant, unimproved land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 63.4% contiguous, generally located East of Eddy Street, west of Ivy Road and South of Edison Road. It is anticipated that the annexation area will be developed for various land uses including but not limited to research facilities and other commercial and residential uses typically associated with a college or university campus.

This mix of uses will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that

services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer network is available with capacity sufficient to service this area; that a 12" water main extension will be necessary for a portion of the annexation area, along with general increased water capacity, that street lighting, parking and will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. If possible, the site should include open space that could be linked in the future to other areas nearby as part of a larger open space network. It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality. It is required that the annexation area integrate harmoniously with the surrounding residential areas. Water as well as sewer service is available in sufficient capacity and it is required that the developer will pay the costs of sewer and water extensions to the project site as needed. Building plans and other information to satisfy these requirements must be finalized between the Developer and the City before the annexation is effective.

Adopted the 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
OF THE CITY OF SOUTH BEND, INDIANA  
s/Gary Gilot, President  
s/Carl Littrell, Member  
s/Donald E. Inks, Member

ADOPT RESOLUTION NO. 54-2006 - A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMANTOWNSHIP (OLIVE ROAD ANNEXATION AREA)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works, with changes in Section 3, Line 4 of the Resolution to read as "that public water and sewer network is available".

RESOLUTION NO. 54-2006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (OLIVE ROAD ANNEXATION AREA)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Page 15 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 1.129 acres of agricultural land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 32% contiguous, generally located at the Southwest intersection of Olive Road and Brick Road. It is anticipated that the annexation area will be developed for public right-of-way as part of a widening project for Olive Road.

This annexation area will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area; that street lighting, parking and will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. If possible, the site should include multi-use path/open space that could be linked in the future to other areas nearby as part of a larger open space network. It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality. It is required that the annexation area integrate harmoniously with the surrounding land uses. Building plans and other information to satisfy these requirements must be finalized between the Developer and the City before the annexation is effective.

Adopted the 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
OF THE CITY OF SOUTH BEND, INDIANA  
s/Gary Gilot, President  
s/Carl Littrell, Member  
s/Donald E. Inks, Member

ADOPT RESOLUTION NO. 55-2006 - A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CENTRE TOWNSHIP (SOUTHFIELD ANNEXATION AREA)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works, with changes in Section 3, Line 4 in the Resolution to read as "that public water and sewer network is available". In addition, the second paragraph, third sentence, "64.3% contiguous" was corrected to "35.7%".

RESOLUTION NO. 55-2006  
A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CENTRE TOWNSHIP (SOUTHFIELD LAKE ANNEXATION AREA)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Centre Township, St. Joseph County, Indiana, which is more particularly described at Page 15 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 55 acres of agricultural land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 35.7% contiguous, generally located directly south and adjacent to the existing Southfield Village subdivision, east of Miami Street and south of Kern Road. It is anticipated that the annexation area will be developed for single-family homes, condominiums and office-retail land uses.

This mix of uses will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the

furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area; that street lighting, parking and will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. If possible, the site should include open space that could be linked in the future to other areas nearby as part of a larger open space network. It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality. It is required that the annexation area integrate harmoniously with the surrounding residential areas. Water as well as sewer service is available in sufficient capacity and it is required that the developer will pay the costs of sewer and water extensions to the project site as needed. Building plans and other information to satisfy these requirements must be finalized between the Developer and the City before the annexation is effective.

Adopted the 25<sup>th</sup> day of September 2006.

BOARD OF PUBLIC WORKS  
OF THE CITY OF SOUTH BEND, INDIANA  
s/Gary Gilot, President  
s/Carl Littrell, Member  
s/Donald E. Inks, Member

FILING OF SAFETY REPORT/PERFORMANCE REPORT – CENTRAL SERVICES

Central Services submitted a Safety Report and Performance Report for August 2006. These reports will reflect injuries/accidents for each month and provide for a comparison, as well as performance and goals of the department. There being no further discussion, upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the reports were accepted and filed.

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGMENT OF CITY COMPACT FEES

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Mr. Donald Tennyson, 19984 Darden Road, South Bend, Indiana. The Consent indicates that in consideration for permission to tap into the public sanitary water system of the City, to provide sanitary water service to the south side of Darden Road, east of Kenilworth Road, South Bend, Indiana, (Key #992-1147-6675), Mr. Tennyson waives and releases any and all rights to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Gilot made a motion that the Consent be approved. Mr. Inks seconded the motion, which carried.

APPROVE TRAFFIC CONTROL DEVICE

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the following traffic control device was approved:

NEW INSTALLATION:	No Parking Signs
LOCATION:	Dead End of Garland Street at Fredrickson Park
REMARKS:	Needed to keep hammerhead turn-around open on dead-end street

APPROVAL OF OCCUPANCY PERMIT

Mr. Carl Littrell recommended approval of an Occupancy Permit for the AM General expansion on Niles Avenue for curbs and sidewalk in the amount of \$5,000.00. Upon amotion made by Mr. Littrell, seconded by Mr. Inks and carried, the Occupancy Permit was approved.

APPROVE CONTRACTOR BOND

Mr. Anthony Molnar, Engineer, Division of Engineering, recommended that the following Contractor Bond be approved as follows:

BOND OF CONTRACTOR

Selge Construction Company, Inc.      Approved September 11, 2006  
Pursuant to Resolution No. 100-2000

LICENSE BONDS

Superior Fire & Water      Approved September 26, 2006,  
Pursuant to Resolution No. 100-2000

Towne, Inc.      Approved September 26, 2006,  
Pursuant to Resolution No. 100-2000

Mr. Littrell made a motion that the recommendation be accepted and that the Bond be approved as outlined above. Mr. Inks seconded the motion, which carried.

FILING OF CERTIFICATES OF INSURANCE

Upon a motion made by Mr. Gilot, seconded by Mr. Inks, and carried, the following Certificates of Insurance were accepted for filing:

Towne, Inc.	Superior Fire & Water
Elkhart, Indiana	Lakeville, Indiana

APPROVE CLAIMS

Mr. Gilot stated that the following claims were submitted to the Board for approval:

Name	Amount of Claim	Date
City of South Bend	\$1,315,620.79	September 18, 2006
City of South Bend	\$2,619,958.76	September 25, 2006
Rieth Riley Construction – Ireland Road Reconstruction	\$278,538.30	September 13, 2006

Mr. Inks made a motion that the claims be approved and the reports as submitted be filed. Mr. Littrell seconded the motion, which carried.

PRIVILEGE OF THE FLOOR

Mr. Ken McIntyre, W.A. Jones, 1171 South Williams Street, Columbia City, Indiana, stated his company was the next lowest bidder for the five (5) dump bodies awarded to Deeds Equipment on June 26, 2006. Mr. McIntyre reminded the Board that Deeds Equipment went out of business, and he assumed the bid award would go to W.A. Jones. In addition, he stated he heard Jack Doheny Supplies, Inc. would take over this job, however, upon speaking with representatives of Jack Doheny Supplies, Inc., he was informed that they are not in the truck equipment business. Mr. McIntyre stated they are not an aristocrat dealer and there would be problems getting parts and the warranty for said vehicles. Also, Jack Doheny Supplies, Inc. will not be building truck equipment. Mr. Gilot stated the low bid was submitted by Deeds Equipment. A letter from Jack Doheny Supplies, Inc. stated they purchased Deeds Equipment and would honor the initial bid and supply the required bid security. Mr. Ken Waite, Wiers International Trucks, 4849 Western Avenue, South Bend, Indiana, stated he spoke with an executive vice president of Jack Doheny Supplies, Inc., who told him they purchased only the assets. Mr. Gilot stated they would take this under advisement with the Legal Department.

ADJOURNMENT

There being no further business to come before the Board, upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the meeting adjourned at 10:40 a.m.



BOARD OF PUBLIC WORKS

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Gary A. Gilot, President

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Carl P. Littrell, Member

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Donald E. Inks, Member

ATTEST:

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Angela K. Jacob, Clerk